

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the outstanding grounds of rejection are respectfully requested in light of the above amendments and the remarks that follow.

At the outset, applicant gratefully acknowledges the Examiner's indication that claims 11, 23 and 41 contain allowable subject matter. By this amendment, the contents of claim 11 have been incorporated into claim 1, thereby placing claims 1-8, 10 and 12 in condition for immediate allowance. Dependent claims 9 and 11 have been cancelled.

Independent claim 13 has been amended to incorporate the limitations of claim 23, thereby placing claims 13-20, 22 and 24 in condition for immediate allowance. Dependent claims 21 and 23 have been cancelled.

Applicant has amended independent claim 25 to incorporate limitations similar to those in original dependent claim 11, thereby placing claim 25 as well as dependent claims 26-32 in condition for allowance.

Independent claim 33 has been amended to incorporate the limitations of original dependent claim 41, thereby placing claims 33 as well as dependent claims 34-38 and 40 in condition for immediate allowance. Original dependent claim 39 has been cancelled.

Claims 41-44 have been cancelled, and independent claim 45 has been amended to incorporate limitations similar to those in original claim 11, thereby placing claim 45 in condition for allowance.

On pages 3 and 4 of the Official Action, the Examiner rejects all of the application claims, with the exception of claims 11, 23 and 41, on prior art grounds. With the

amendment of each of the remaining independent claims to contain subject matter indicated by the Examiner to be allowable, all of the prior art grounds of rejection have been overcome.

Since the application is now in condition for immediate allowance, early passage to issue is requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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GE Docket No. 25MB-0060

CHECKLIST 3

RESPONSE TO EACH SUBSTANTIVE NON-FINAL OFFICE ACTION

(NOT TO BE USED IN RESPONSE TO A REQUIREMENT  
FOR RESTRICTION WITH A 30-DAY RESPONSE PERIOD)

- |  | YES                                 | NO                                  | NA                                  |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. If there is a restriction requirement, have you consulted with the GE counsel to determine whether any divisional applications should be filed now? Check NA only if no restriction requirement.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Have you assessed whether new claims should be added or claims broadened or narrowed in view of business interest, commercialization activity by business or competitor or the prior art?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 3. Is the inventorship correct based on the presently pending claims?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 4. Have you communicated to the inventors the duty to disclose obligation regarding information that may be material to the disclosed or claimed invention?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 5. Have you determined whether any previously-unsubmitted material prior art has been cited in any foreign corresponding applications?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 6. If new material information has been discovered, have you prepared an IDS to submit all material information including, but not limited to: (a) prior art cited in any Legally Related applications; (b) material prior art cited in any foreign corresponding applications; (c) prior art uncovered in any search of the prior art applicable to the disclosed or claimed invention; (d) material information regarding the use (including GE products), sale, offer for sale, publication, or disclosure applicable to the disclosed or claimed invention; and (e) any other material information known to you? Check NA only if no new material information has been discovered. | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Has the front page of the Office action been reviewed to determine whether all necessary blocks have been checked off, including, but not limited to, boxes relating to acknowledgements of priority and review of Information Disclosure Statements.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 8. Is the response to this office action being submitted within two months of the Non-Final Office Action?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |

This is to certify that the response for this application has been prepared in conformity with the GE Manual for Global Patent Applications including this Checklist 3 and that any "NO" answers have been discussed with the GE counsel prior to filing the response.

A COPY OF THIS CHECKLIST IS TO BE RETAINED AS A PERMANENT PART OF THE FILE OF THIS APPLICATION.

M. J. Keenan  
Signature of Preparing IP Attorney/Agent

9/23/04  
Date

M. J. KEENAN  
Name of Preparing IP Attorney/Agent

NIXON & VANDERPHYLE  
Name of Firm or GE Business